

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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ANDREW PATRICK BRENNAN, Plaintiff	:	NO.: 3:24-cv-00966-JFS
	:	
	:	CIVIL ACTION – LAW
v.	:	
	:	Chief Mag. Judge Joseph F. Saporito, Jr.
MONROE COUNTY	:	
CORRECTIONAL FACILITY,	:	
WARDEN GARRY HAIDLE,	:	<i>Electronically Filed</i>
DIRECTOR OF TREATMENT LEA	:	
BAYLOR, PRIMECARE MEDICAL,	:	
INC., and JOHN DOES AND JANE	:	
DOES #1-10,	:	
Defendants	:	JURY TRIAL DEMANDED

**PRIMECARE MEDICAL, INC.’S ANSWER WITH AFFIRMATIVE  
DEFENSES TO PLAINTIFF’S AMENDED COMPLAINT**

AND NOW comes Defendant PrimeCare Medical, Inc. (“PrimeCare”), by and through its attorneys, Marshall Dennehey, P.C., who files this Answer with Affirmative Defenses to Plaintiff’s Amended Complaint (Doc. 24) by respectfully stating the following:

**JURISDICTION AND VENUE**

1. Admitted.
2. Admitted in part; denied in part. It is admitted that venue is appropriate with this Court. The remainder of this allegation is denied in that it contains conclusions of law and fact to which no response is required. If a response is deemed required, the averments contained herein are denied.

**PARTIES**

3. Denied. After reasonable investigation, PrimeCare is without sufficient knowledge or information to form a belief as to the truth of the averments contained in this paragraph. The same is therefore denied.

4. The averments contained in this paragraph are directed at a party other than PrimeCare, and therefore, no response is required. If a response is deemed required, said averments are denied.

5. The averments contained in this paragraph are directed at a party other than PrimeCare, and therefore, no response is required. If a response is deemed required, said averments are denied.

6. The averments contained in this paragraph are directed at a party other than PrimeCare, and therefore, no response is required. If a response is deemed required, said averments are denied.

7. The averments contained in this paragraph are directed at a party other than PrimeCare, and therefore, no response is required. If a response is deemed required, said averments are denied.

8. The averments contained in this paragraph are directed at a party other than PrimeCare, and therefore, no response is required. If a response is deemed required, said averments are denied.

9. Admitted in part; denied in part. It is admitted that PrimeCare is a corporation with a place of business located at 3940 Locust Lane, Harrisburg, Dauphin County, Pennsylvania. The remainder of this allegation is denied in that it contains conclusions of law and fact to which no response is required. If a response is deemed required, the averments contained herein are denied.

10. – 24. Denied. The averments contained in these paragraphs contain conclusions of law and fact to which no response is required. If a response is deemed required, the averments contained herein are denied.

**COUNT I**  
**CIVIL RIGHTS**

**PLAINTIFF v. MONROE COUNTY CORRECTIONAL FACILITY, WARDEN  
GARRY HAIDLE, DIRECTOR OF TREATMENT LEA BAYLOR, PRIMECARE  
MEDICAL, INC. AND JON DOES AND JANE DOES #1-10**

25. The responses to paragraphs 1 through 24 are incorporated as if set forth herein at length.

26. – 29. Denied. The averments contained in these paragraphs contain conclusions of law and fact to which no response is required. If a response is deemed required, the averments contained herein are denied. By way of further answer, Plaintiff cannot demonstrate a violation of his constitutional rights. Further, the policies and procedures for the provision of medical care at the Monroe County Correctional Facility are consistent with or exceed the National Commission on Correctional Health Care

guidelines for the provision of medical care. The National Commission on Correctional Health Care's guidelines are the gold standard for correctional medical care.

WHEREFORE, Defendant PrimeCare Medical, Inc. respectfully requests that Plaintiff's Amended Complaint be dismissed with prejudice and that judgment be entered in its favor.

**COUNT II**  
**MEDICAL MALPRACTICE**  
**PLAINTIFF v. MONROE COUNTY CORRECTIONAL FACILITY, WARDEN  
GARRY HAIDLE, DIRECTOR OF TREATMENT LEA BAYLOR, PRIMECARE  
MEDICAL, INC. AND JON DOES AND JANE DOES #1-10**

30. The responses to paragraphs 1 through 29 are incorporated as if set forth herein at length.

31. – 38. Denied. The averments contained in these paragraphs contain conclusions of law and fact to which no response is required. If a response is deemed required, the averments contained herein are denied. By way of further answer, at all times material hereto, Plaintiff received medical care which met or exceeded the applicable standard of care.

WHEREFORE, Defendant PrimeCare Medical, Inc. respectfully requests that Plaintiff's Amended Complaint be dismissed with prejudice and that judgment be entered in its favor.

**AFFIRMATIVE DEFENSES**

1. Plaintiff's Amended Complaint fails to state a claim upon which relief may be granted.
2. At all times material hereto, PrimeCare Medical, Inc. provided medical treatment which conformed to the applicable standard of care.
3. Plaintiff is unable to demonstrate a deliberate indifference to a serious medical condition.
4. Plaintiff's claims and/or alleged losses, at most, demonstrate a difference of opinion as to medical treatment.
5. At no time were Plaintiff's constitutional rights violated.
6. Plaintiff's claims and/or alleged losses may be limited and/or barred by the Prison Litigation Reform Act.
7. Plaintiff failed to exhaust his administrative remedies.
8. The alleged negligence and/or deliberate indifference of PrimeCare Medical, Inc. did not cause Plaintiff to suffer any injury.
9. PrimeCare Medical, Inc.'s policies and procedures conform to or exceed national accreditation standards.
10. PrimeCare Medical, Inc. cannot be vicariously liable for the alleged unconstitutional acts of its employees

11. The healthcare providers who provided treatment to Plaintiff utilized their best professional judgment in evaluating and providing treatment.

12. Any alleged negligence on the part of PrimeCare Medical, Inc., which negligence is expressly denied, was not the factual cause of any harm suffered by Plaintiff.

13. Plaintiff cannot demonstrate any deficiencies in PrimeCare Medical, Inc.'s policies, procedures, and practices for the provision of medical care at the Monroe County Correctional Facility.

14. At all times material hereto, the practices of PrimeCare Medical, Inc. have been reasonable and appropriate and have insured the protection of all rights, privileges and immunity of the public.

15. At no time material hereto did PrimeCare Medical, Inc. act in bad faith or in a willful, wanton, outrageous, reckless, and/or malicious manner.

16. Plaintiff did not suffer any injuries or damages as a result of any acts or omissions by PrimeCare Medical, Inc.


17. Plaintiff may have been a non-compliant patient.

18. Plaintiff's claims and/or alleged losses are barred by the applicable statute of limitations.

WHEREFORE, Defendant PrimeCare Medical, Inc. respectfully requests that Plaintiff's Amended Complaint be dismissed with prejudice and that judgment be entered in its favor.

Respectfully submitted,

MARSHALL DENNEHEY, P.C.

By:   
JOHN R. NINOSKY, ESQUIRE  
PA Attorney ID No. 78000  
200 Corporate Center Drive, Suite 300  
Camp Hill, PA 17011  
Telephone (717) 651-3709  
Fax (717) 651-3707  
jrninosky@mdwccg.com  
*Attorney for Defendant PrimeCare Medical, Inc.*

Date: August 15, 2024

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 15<sup>th</sup> day of August, 2024, the foregoing *Answer with Affirmative Defenses* was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to counsel of record, which service satisfies the requirements of the Federal Rules of Civil Procedure.

Jerry A. Lindheim, Esquire  
van de Deen, Hartshorn, Levin & Lindheim  
1219 Spruce Street  
Philadelphia, PA 19107  
jlindheim@mtvlaw.com  
*Attorney for Plaintiff*

Gerard J. Geiger, Esquire  
Newman Williams  
712 Monroe Street  
Stroudsburg, PA 18360-0511  
ggeiger@newmanwilliams.com  
*Attorney for Monroe County Correctional Facility, Garry Haidle and Lea Baylor*

MARSHALL DENNEHEY, P.C.

By:   
John R. Ninosky